

TOWN OF THOMPSON
ZONING BOARD OF APPEALS
Tuesday, July 11, 2017



IN ATTENDANCE: Chairman Richard McClernon Richard Benson
Robert Hoose
Jay Mendels
Paula Elaine Kay, Attorney
James Carnell, Director of Building/Planning/Zoning
Debbie Mitchell, Secretary

APPROVED

Absent: Pamela Zaitchick, Jose DeJesus

Chairman McClernon called the meeting to order at 7:00 p.m. with the Pledge to the Flag.

A motion to approve the June 13, 2017 minutes was made by Robert Hoose and seconded by Jay Mendels

3 In favor, 0 opposed

Richard Benson abstained from voting since he was not here last month.

Appeal by: SILVESTRE GOMES

Property is located in the SR Zone with central w/s at 17 Dillon Road, Monticello, NY S/B/L: 22.-2-4

Applicants are requesting area variances from §250-7, §250-21B(4) and §250-16A(2) of the Town of Thompson Zoning Code for the following purposes: 1) one side yard setback required 15' to proposed .3'. 2) one side yard setback required 15' to proposed 4.4' 3) combined side yard setback required 40' to proposed 4.7' 4) increasing a nonconforming structure 5) accessory building setback from all property lines required 10' to proposed 1' 6) accessory building setback from property lines required 10' to proposed 2.5'.

Silvestre Gomes, Owner
Thomas Aguilar, friend/translator

Satisfactory proof of mailing was provided to the Board.

Paula Kay let Mr. Aguilar know that he needs to try and translate all the information to Mr. Gomes as close a possible to what the Board members ask and also need to do the same thing when translating for Mr. Gomes.

Mr. Aguilar agreed.

Chairman Richard McClernon – What exactly do you want to do? Chairman Richard McClernon is showing the applicant's translator Mr. Aguilar the requested information on the application.

Chairman Richard McClernon needs to know where on the site plan this information is since the information is not labeled on the current site plan.

Mr. Aguilar – He was building a car port.

Chairman Richard McClernon – But he is not showing the measurements on the site plan!

Chairman Richard McClernon- Do you plan on rebuilding the carport?

Mr. Aguilar - Mr. Gomes says no, he does not plan on rebuilding.

Chairman Richard McClernon looks at the site plan and asks again where the requested measurements are?

Mr. Aguilar points to the site plan and say's that there is nothing there but a slab of concrete.

Chairman Richard McClernon – The question is about the .3 and where the shed was? We need to know if he plans on putting the shed back? Mr. Aguilar - Mr. Gomes says no.

Chairman Richard McClernon – We need to know what side of the house is the .3? Please show me on the site plan.

Robert Hoose – Why didn't you bring the land survey that did the site plan?

Mr. Aguilar – Mr. Gomes is trying to explain where all the info on the application is on the site plan.

Paula Kay – The license surveyor should be the one who should come to the board. It will make things a lot easier.

Richard Benson – I think the surveyor is saying the .3 is the fence being over the line.

Mr. Aguilar – So he will have to move the fence back? He explains this to Mr. Gomes

Paula Kay – Mr. Chairman I believe we should have Mr. Gomes come back with an interpreter that the Town hires as well as the surveyor. Mr. Aguilar explains this to Mr. Gomes.

Paula Kay – And the site plan needs to be updated since he has moved things and taken things off the property. Have the current site plan show everything as it is today.

Mr. Aguilar explains to Mr. Gomes

Chairman Richard McClernon– Who filled out this application? Mr. Aguilar – Mr. Gomes says he's not really sure. Maybe his son. Paula Kay – Also have your son come back too.

Chairman Richard McClernon – Does his son understand English? Mr. Aguilar – Yes.

Robert Hoose- We will have the meeting left open until August 8th.

Paula Kay – We will need 10 copies of the new site plan before the August 8th meeting.

Mr. Aguilar explains to Mr. Gomes that he needs to come back in August 8th with a new site plan, his son and the person doing the site plan.

PUBLIC COMMENT:

No public comment

Motion to hold this meeting open until August 8, 2017 made by Jay Mendels and seconded by Robert Hoose

4 In favor; 0 opposed

Appeal by: ARTHUR CLARK

Property is located in the RR2 Zone at 21 Clark Lane, Rock Hill, NY S/B/L: 24.-1-8

Applicants are requesting an area variance from §250-24C of the Town of Thompson Zoning Code for the purpose of replacing a mobile home required 10 years or newer to proposed older than 10 years (1991).

Satisfactory proof of mailing was provided to the Board.

Tiffany Pitula, Daughter
Gregg Pitula, Son-in-Law

Paula Kay had to recused herself from any comments and from sitting in on this public hearing.

Mr. Pitula – This property has been in the family for many years. This is a 90-acre parcel that borders Fallsburg. These mobile homes have been here since the late 60's. We have replaced most of the Mobil homes thought out the parcel with in the past few years. We rent these places out to help with paying of the taxes. The current home is a 1978/1979 metal siding, flat roof Mobil home. I was able to purchase this newer 1991 home that was originally bought as a weekend home for a piece of lakefront property in Fallsburg. Nobody has ever lived in it for the past twenty years because the owner passed away before they had a chance to move in. I purchase this 1991 house to replace the current 1978/79 house. I'm here because the Towns law says you can't replace an existing home with another home that is older than 10 years old.

Jay Mendels – Is the old home coming off the land? Mr. Pitula – Yes, and we plan on pushing back the new home because the current place is too close to the property line. Chairman Richard McClernon- Jim Carnell what is the front yard setback supposed to be? Jim Carnell – 50 yards. Mr. Pitula – Just by looking at it I think it's just shy of 50 yards and we currently have people living there for the past 15 years.

Chairman Richard McClernon – How many trailers are there now? Mr. Pitula – Three. Mrs. Pitula – And there have been three mobile homes there as long as I can remember. Chairman Richard McClernon – Are any of them vacant? Mr. Pitula – Yes, just one. That is where we will be putting the current residents of this home when we replace it. And then we plan on renting that unit out as well. Chairman Richard McClernon – I believe in 2014 there was an issue with a tractor and trailer on the property that is being used for storage. It's towards the back of the property. It is illegal by Town code to have it there for storage. Mr. Pitula – I'm not sure what is in there. This stuff has been there for about 20 years. I have been cleaning up the property by moving out junk that is laying around. Some of the cars belonged to our tenants and I'm making them get a title from NY State so we can scrap them.

PUBIC COMMENT:

No public comment.

The Board as no questions.

The counties 239 was local determination.

AREA VARIANCE CRITERIA:

(1) Whether benefit can be achieved by other means feasible to applicant; All voted no

(2) Undesirable change in neighborhood character or to nearby properties; All voted no

(3) Whether request is substantial; All voted no

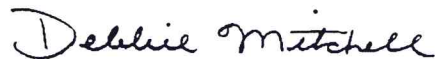
(4) Whether request will have adverse physical or environmental effects; All voted no

(5) Whether alleged difficulty is self-created; All voted yes

A motion to approve the area variance was made by Jay Mendels and seconded by Robert Hoose
4 In favor; 0 opposed

A motion to close the meeting at 7:27 pm was made by Richard Benson and seconded by Robert Hoose
4 In favor; 0 opposed

Respectfully submitted,

A handwritten signature in cursive script that reads "Debbie Mitchell".

Debbie Mitchell
Secretary
Town of Thompson Zoning Board of Appeals